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Alan E. Schiavelli
Antonelli, Terry, Stout & Kraus, LLP
1300 North Seventeenth Street
Suite 1800
Arlington, VA 22209

In re Application of :
HERRMAN et al :
Application No.: 09/530,415 : DECISION ON
PCT No.: PCT/EP98/06724 :
Int. Filing Date: 22 October 1998 : PETITION UNDER
Priority Date: 31 October 1997 :
Attorney's Docket No.: 306.38504X00 : 37 CFR 1.182
For: ELECTRICALLY CONDUCTIVE COVERING :
PAINT :

This decision is in response to the "Petition under 37 CFR 1.182," filed 08 September 2000. The required petition fee has been paid.

BACKGROUND

On 01 May 2000, applicants filed national stage papers including a transmittal letter (Form PTO-1390) identifying international application PCT/EP98/06724.

On 08 September 2000, the present petition was filed indicating that the international application identified on the transmittal letter contained a typographical error and that the correct international application number is PCT/EP98/06724.

DISCUSSION

The national stage papers filed by applicants on 01 May 2000 included, inter alia, a copy of the published international application for PCT/EP98/06724. Furthermore, the other application identifying information provided on the transmittal letter, i.e., the title, applicant-inventor information, priority date, and international filing date all correspond to that of PCT/EP98/06724. For these reasons, it has been concluded that the national stage papers filed 01 May 2000 sufficiently identify international application no. PCT/EP98/06724. Pursuant to petitioners' request, the national stage papers filed assigned U.S. application no. 09/530,415 will be treated as a U.S. national stage submission for PCT/EP98/06724.

The petition fee required under 37 CFR 1.182 will not be waived in the present case,

as petitioners have failed to establish why justice would require waiver of the fee in the present case, particularly in view of the additional processing that was expended by the USPTO as a result of petitioners' error.

CONCLUSION

The petition under 37 CFR 1.182 is GRANTED.

This application is being forwarded to the National Stage Processing Branch of the Office of PCT Operations to continue national stage processing of U.S. application no. 09/530,415 as the U.S. national stage application of PCT/EP98/06724.



Boris Milef
Legal Examiner
PCT Legal Office

Telephone: (703) 308-3659
Facsimile: (703) 308-6459